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***Testimony on HB 6390
An Act Concerning Access to Postsecondary Education
Higher Education Committee Public Hearing
March 15, 2011***

Senators Bye, LeBeau and Boucher; Representatives Willis, Candelaria and LeGeyt; and the honorable members of the Higher Education Committee:

The Governor's bill to provide in-state tuition for illegal immigrants not only serves as a major distraction from our budgeting needs, but it is based on bad public policy. Regardless of how one feels about the issue of illegal immigrants, this bill has fatal flaws from inception. If Connecticut chooses to codify giving in-state tuition rates to illegal immigrants, under federal law, the state is exposed to being required to give all non-residents in-state tuition rates. Under current policy, it is my understanding that state institutions do not verify citizenship. Therefore, a student graduating from a Connecticut high school is already entitled to in-state tuition rates.

Federal Law Title 8, Chapter 14, Sec. 1623 states: "an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State... for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit." Connecticut taxpayers invest dearly in our educational system by being one of the highest per capita taxpayers in the country. This law not only proposes to give tax subsidies to individuals who are not legally able to pay taxes, but exposes Connecticut to higher education costs by reducing tuition rates for anyone that chooses to go to a Connecticut school. The bill will cost us millions in lost tuition revenue if any out-of-state citizen chose to challenge this law. Currently, no court in this state or 2nd Federal Circuit has ruled on this issue, and Connecticut is certainly in no fiscal condition to afford such a risk.

This bill requires that these illegal immigrants make a good faith effort to become legal United States citizens by requiring that an affidavit be submitted with the application. By requiring this, proponents argue that the state would be investing in a future workforce for Connecticut employers. This argument, however, fails to recognize that any person in the United States illegally is foreclosed from applying for citizenship under federal law and would be subject to deportation. If these individuals cannot gain citizenship, they cannot seek gainful, legal employment within the United States, let alone Connecticut. By passing this bill, you are investing in a future workforce, not for Connecticut, but for some other country.

In January when the General Assembly was sworn into office, we took an oath to uphold the laws of the State of Connecticut and the United States. Offering in-state tuition to illegal immigrants flies in the face of federal law and demonstrates a willingness to recklessly gamble our tax dollars. These bills that encourage illegal immigration to Connecticut is stripping us of our financial check valve, opening up the faucet, and filling the catch basin with more uncontrolled expenses and liabilities. At what point does a budget crisis become so severe that we, as lawmakers, stop spending tax dollars on social experiments and begin to tackle the budget crisis? These types of proposals merely serve to take our eye off the ball and fail to address the real problems. Lawmakers have a moral obligation to provide a balanced budget and I hope this committee would reject this proposal.

Respectfully submitted,

Vincent J. Candelora

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